

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
TEXARKANA DIVISION**

**SIERRA CLUB**

**V.**

**ENERGY FUTURE HOLDINGS,  
CORPORATION, ET AL.**

§  
§  
§  
§  
§  
§

**No. 5:10-cv-156-MHS-CMC**

**ORDER ADOPTING REPORT AND RECOMMENDATION  
OF THE UNITED STATE MAGISTRATE JUDGE**

The above-entitled and numbered civil action was heretofore referred to United States Magistrate Judge Caroline M. Craven pursuant to 28 U.S.C. § 636. The Report of the Magistrate Judge which contains her proposed findings of fact and recommendations for the disposition of such actions has been presented for consideration. Defendants filed limited objections to the Report and Recommendation (Doc. No. 91). Also before the Court are Plaintiff's response, Defendants' reply, and Plaintiff's sur-reply (Doc. Nos. 92, 94 & 95).

The Magistrate Judge issued a thorough 32-page Report and Recommendation. The Court has conducted a *de novo* review of the Magistrate Judge's findings and conclusions. Defendants' objections are without merit. The Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct. Therefore, the Court hereby adopts the Report of the United States Magistrate Judge as the findings and conclusions of this Court. Accordingly, it is hereby


**ORDERED** that Motion to Dismiss Pursuant to Rules 12(b)(1) and 12(b)(6) by Defendants Energy Future Holdings Corp. and Luminant Generation Company LLC (Doc. No. 72) is **DENIED**.

It is further

**ORDERED** that Defendants' request for a hearing on their objections is denied.

**It is SO ORDERED.**

**SIGNED** this 24th day of September, 2013.

  
MICHAEL H. SCHNEIDER  
UNITED STATES DISTRICT JUDGE